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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,487	03/14/2001	James Robert Davis	STL9-2000-0074US1	3624

7590 07/01/2004

Kunzler and Associates  
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Salt Lake City, UT 84101

EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/808,487

Applicant(s)

DAVIS ET AL.

Examiner

Douglas B Blair

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/14/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,154,848 to Igarashi et al..
3. As to claim 8, Igarashi teaches a computer readable medium having stored thereon computer executable instructions for performing a method for ensuring client access to unpaired messages from a server, the method comprising: the server detecting at least one unpaired message to be stored in a data structure (col. 7, line 64-col. 9, line 20); creating the data structure in a server, the data structure configured to store a plurality of unpaired messages intended for a client (col. 7, line 64-col. 9, line 20); utilizing a protocol which allows the client to request at least one unpaired message stored in the data structure (col. 7, line 64-col. 9, line 20).
4. As to claim 9, Igarashi teaches the computer readable medium of claim 8, wherein the method further comprising the server dynamically creating the data structure in response to the server detecting at least one unpaired message (col. 7, line 64-col. 9, line 20).
5. As to claim 10, Igarashi teaches the computer readable medium of claim 8, wherein the method further comprising notifying the server of a client request to enable dynamic creation of the data structure (col. 7, line 64-col. 9, line 20).

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6. As to claim 11, Igarashi teaches the computer readable medium of claim 10, wherein notifying the server occurs during establishment of communications between the client and the server (col. 7, line 64-col. 9, line 20).

7. As to claim 12, Igarashi teaches the computer readable medium claim 8, wherein the method further comprising the server notifying the client when the data structure contains an unpaired message (col. 7, line 64-col. 9, line 20).

8. As to claim 13, Igarashi teaches the computer readable medium of claim 8, wherein the method further comprising: generating a request message to be sent from the client to the server; storing an indicator in request message to enable the client to distinguish between unpaired messages (col. 7, line 64-col. 9, line 20).

9. As to claim 14, Igarashi teaches the computer readable medium of claim 8, wherein utilizing the protocol further comprises allowing the client to request automatic transmission of unpaired messages stored in the data structure (col. 7, line 64-col. 9, line 20).

10. As to claim 15, Igarashi teaches a system for ensuring client access to unpaired messages from a server comprising: a request module configured to receive a client request; a response generator which receives the client request from the request module and generates and appropriate response (col. 7, line 64-col. 9, line 20); an unpaired message module which analyzes the response message generated by the response generator and configured to distinguish a paired message from an unpaired message and to store paired messages in a paired response data structure and unpaired messages in an unpaired response data structure (col. 7, line 64-col. 9, line 20); and a response module which communicates paired and unpaired messages to a client (col. 7, line 64-col. 9, line 20).

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11. As to claim 16, Igarashi teaches the system of claim 15, wherein the unpaired message module is further configured to dynamically create the unpaired response data structure in response to a first unpaired response message (col. 7, line 64-col. 9, line 20).

12. As to claim 17, Igarashi teaches the system of claim 15, wherein the response module is configured to automatically send all unpaired messages stored in the unpaired response data structure (col. 7, line 64-col. 9, line 20).

13. As to claim 18, Igarashi teaches the system of claim 15, wherein the response module is configured to send all unpaired messages stored in the unpaired response data structure in response to a request from the client (col. 7, line 64-col. 9, line 20).

14. As to claim 19, Igarashi teaches the system of claim 15, wherein the system is activated upon the server receiving an activation request from the client (col. 7, line 64-col. 9, line 20).

15. As to claim 20, Igarashi teaches the system of claim 15, wherein the response module notifies the client when the unpaired response data structure contains at least one unpaired message (col. 7, line 64-col. 9, line 20).

16. As to claims 1-7, they feature the same limitations as claims 8-14 and are rejected for the same reasons as claims 8-14.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER